

REMARKS

In the present Amendment, the claims have been amended to improve their forms. No new matter has been added, and entry of the Amendment is respectfully requested.

Upon entry of the Amendment, claims 1-10 will be pending.

The Examiner did not indicate in the Office Action whether the drawings filed on February 26, 2004 are accepted or objected to. Applicants respectfully request Examiner to confirm that the drawings are accepted.

Response to Election/Restrictions

At pages 2-3 of the Action, the Examiner reiterates the Election of Species Requirement made by telephone on May 9, 2007 and requires affirmation of Applicants' election in responding to the Office Action.

Applicants affirm their election of Species 1, the battery element as a "chemical battery element."

Information Disclosure Statement

At page 4 of the Action, the Examiner indicates that the Information Disclosure Statements filed on February 5, 2007, January 25, 2006, and February 26, 2004 have been considered except for JP 2002-343439 A as cited in the January 25, 2006 IDS, which appears to be missing from the file.

Applicants submit herewith a copy of the JP 2002-343439 A reference and a PTO/SB/08 Form listing it for Examiner's convenience and request it to be considered.

Response to §112 Rejections

At pages 4-5 of the Action, claims 1-10 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

In response, the claims have been amended to address the Examiner's concern, accordingly, reconsideration and withdrawal of the § 112 rejection are respectfully requested.

Response to §102 Rejections

At page 5 of the Action, claims 1, 2, 4-6, 9 and 10 are rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by JP 2002-298825.

Applicants submit that this rejection should be withdrawn because JP '825 does not disclose or render obvious the presently claimed film covered battery.

Claim 1 calls for "lead terminals connected respectively to said positive electrode and said negative electrode of said battery element and extending from said casing, each said lead terminal being connected to said battery element at a position inside of both surfaces of said battery element in the thickness direction thereof."

JP '825 disclose "In the electrochemistry device of such a configuration, as shown in drawing 1, before joining lead terminals 1 and 2 to a charge collector terminal joint first, it bends in the last charge collector terminal configuration...." See Paragraph [0029]. This disclosure and drawing 1 do not teach "each said lead terminal being connected to said battery element at a position inside of both surfaces of said battery element in the thickness direction thereof" as recited in the present claim 1.

As to claim 6, Figure 8 of JP '825 does not teach "a leading end of each said bent lead terminal positioned outside of the other surface of said battery element opposite to said recess in the thickness direction of said battery element" as called for in claim 6. Nor does it teach "a leading end of each said bent lead terminal is positioned beyond the second surface of said battery element" in claim 6 as amended.

As to claim 9, Applicants submit that the terminals [1, 2] in JP '825 are connected to the same side of said battery element, rather than different sides (left and right sides) of said battery element as asserted by Examiner.

In view of the above, reconsideration and withdrawal of the § 102(a) rejection of claims 1, 2, 4-6, 9 and 10 based on JP '825 are respectfully requested.

At page 7 of the Action, claims 1, 4-6, 9 and 10 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Sonozaki et al (USP 6,106,973).

Applicants submit that this rejection should be withdrawn because Sonozaki et al '973 does not disclose or render obvious the presently claimed film covered battery.

Firstly, claim 1 calls for “a flexible casing comprised of two halves for sandwiching” The laminated film in Sonozake et al is either being bent on both sides of the electricity generating element (Col. 4, lines 66-67 and Col. 7, lines 66-67) or being folded in two layers (Col. 6, lines 13-14), therefore the laminated film in Sonozake et al does not comprise two halves.

Secondly, Sonozaki et al disclose that “the collector terminals 46 are crimped or sandwiched between two layers of the laminated film.” See Figure 8 and Col. 5, lines 48-53. They do not teach that “each said lead terminal being connected to said battery element at a position inside of both surfaces of said battery element in the thickness direction thereof” as called for in the present claim 1.

As to claim 6, Figure 8 of Sonozaki et al does not teach “a leading end of each said bent lead terminal positioned outside of the other surface of said battery element opposite to said recess in the thickness direction of said battery element” as called for in claim 6. Nor does it

teach “a leading end of each said bent lead terminal is positioned beyond the second surface of said battery element” in claim 6 as amended.

In view of the above, reconsideration and withdrawal of the § 102(b) rejection of claims 1, 4-6, 9 and 10 based on Sonozaki et al ‘973 are respectfully requested.

At page 8 of the Action, claims 1, 4, 9 and 10 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Lake (USP 5,326,652).

Applicants submit that this rejection should be withdrawn because Lake ‘652 does not disclose or render obvious the presently claimed film covered battery.

Applicants submit that Figures 2 and 3 of Lake show the terminals being connected at the same side of the battery, rather than at different sides of the battery, as the present claim 9 calls for.

Reconsideration and withdrawal of the § 102(b) rejection of claims 1, 4, 9 and 10 based on Lake ‘652 are respectfully requested.

Response to §103 Rejection

At page 9 of the Action, claims 3 and 7 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over JP 2002-298825.

Applicants submit that this rejection should be withdrawn because JP ‘825 does not disclose or render obvious the presently claimed film covered battery.

As the Examiner asserted, JP ‘825 does not explicitly teach the claimed thickness of the battery element (in mm), the claimed position of the charge collector (in mm), or the distance of the leading end of the bent terminals (in mm).

Applicants submit that as unexpectedly superior results of the presently claimed subject matter in claims 3 and 7, charge collector 9 is prevented from deforming upward, and as

illustrated in Fig. 7, when battery element 5 has been sealed, lead terminal 3 can be extended straight from the battery. See page 12, lines 24-26 of the present specification. Also lead terminal 13 can be effectively prevented from bowing when battery element 15 is sealed. See page 15, lines 2-6 of the present specification. Accordingly, Applicants submit that claims 3 and 7 are not obvious over JP '825.

In view of the above, reconsideration and withdrawal of the § 103(a) rejection of claims 3 and 7 based on JP '825 are respectfully requested.

Allowable subject matter

At page 9 of the Action, claim 8 is indicated to be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

As noted, claim 8 has been amended to overcome the § 112 rejection. Applicants submit that claim 8 is allowable in its dependent form because claim 1 is allowable for the reasons discussed above.

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

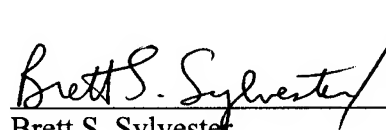
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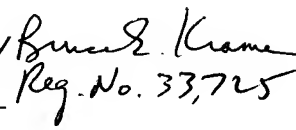
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